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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,006	09/20/2006	Quentin Baillia-Prel	0579-1128	1367
465 7590 03/10/2009 YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER LUGO, CARLOS	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 03/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,006

Applicant(s)

BAILLIA-PREL, QUENTIN

Examiner

CARLOS LUGO

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- Element 103 is not illustrated in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because of the phrase "the invention" and the use of the word "means" and "said". Correction is required. See MPEP § 608.01(b).
3. The specification is objected to because of the following informalities:
 - Page11 Line 8, change "transfer member 105" to -transfer member 145-.Appropriate correction is required.

Claim Objections

4. Claims 1-26 are objected to because of the following informalities:

- In all the claims, change the preamble "Panic bolt" to -Panic bolt assembly-.
- Claim 2 Line 2, change "characterized in that it includes at least one abutment carried by said fixed part cooperating with at least one stop portion carried by said crash bar" to -characterized in that said fixed part includes abutments cooperating with a stop portion carried by said crash bar- since the fixed part has 2 abutments, not one or more than two as required by the "at least one" limitation and that the crash bar has only one stop portion.
- Claim 5 Line 3, change "is entered with with clearance" to -is entered with clearance-.
- Claim 6 Line 2, change "characterized in that said longitudinal housing includes at least one abutment carried by said fixed part cooperating with at least one stop portion carried by said crash bar" to -characterized in that said longitudinal housing includes abutments cooperating with a stop portion carried by said crash bar- since the housing has 2 abutments, not one or more than two as required by the "at least one" limitation and that the crash bar has only one stop portion.
- Cancel claims 7 and 8 since the change presented above with respect to claim 6 covers the limitations presented in claims 7 and 8.
- Claim 9 Line 2, change "characterized in that said crash bar (4) has a curved portion (42) that enters said longitudinal housing (34) via an opening at which is

situated an abutment (37) formed by a free end of said housing (34), and said stop portion (43) is a rim at the end of said curved portion (42)" to -characterized in that said crash bar (4) has a curved portion (42), wherein the stop portion is located, that enters said longitudinal housing (34) via an opening at which is situated one abutment (37) formed by a free end of said housing (34) and at which the other abutment is a bottom wall of said fixed frame which is opposite said opening, and said stop portion (43) is a rim at the end of said curved portion (42)-.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-26 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, the claim recites that the crash bar activates the bolt operating member. However, the invention requires a bolt? At the moment, the assembly is not doing any locking/unlocking since there is no locking member. Also, how the crash bar is capable of moving the bolt operating member? The claim language is broad in how is possible. Appropriate correction is required.

As to claim 5, the claim recites that the fixed part includes a longitudinal housing. However, it is unclear how the housing 34 enters completely at a clearance by a

longitudinal edge of the section of the crash bar. As seen in Figures 1 and 2, parts of the housing 34 are located outside a range of the bar. Appropriate correction and explanation is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1, 2, 4-6, 11, 12, and 19-25 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,312,528 to Hall et al (Hall).

Regarding claims 1, 11 and 25, Hall discloses a panic bolt assembly comprising a fixed part (31) having a bolt operating member (46) and a crash bar (33, 34 and 48) that is mounted on the fixed part to pivot about a longitudinal axis (36) between an idle position in which the crash bar occupies a position remote from the fixed part (Figure 5) and a working position in which the crash bar occupies a position close to the fixed part (when is pushed in the E direction) and in which the crash bar activates the bolt operating member. The crash bar is a section articulated about the longitudinal axis by means of an articulation portion (at 36).

As to claims 2 and 6, Hall discloses that the fixed part has abutments (sides of 38) cooperating with a stop portion (37) carried by the crash bar to delimiting the range of movement in articulation of the crash bar.

As to claim 4, Hall illustrates that the fixed part is a section extending in the same direction as the crash bar.

As to claims 5 and 22-24, Hall illustrates that the fixed part includes a longitudinal housing (50).

As to claims 12 and 19-21, Hall discloses that the fixed part includes two lateral plates (50) between which the crash bar is situated.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 3, 10 and 18 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,312,528 to Hall et al (Hall).

As to claim 3, Hall fails to disclose that the articulation portion is situated in a lower portion of the crash bar. Hall illustrates that the articulation portion is located on an upper portion of the crash bar.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the articulation portion at the lower part of the crash bar since the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art.

As to claim 10, Hall illustrates that the fixed part has a longitudinal rib (45) adapted to receive the bolt operating member. Applicant is reminded that duplicating the components of a prior art device is a design consideration within the skill of the art.

As to claim 18, Hall illustrates an articulation to move the crash abr. Applicant is reminded that a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

11. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,312,528 to Hall et al (Hall) in view of US Pat No 2,104,618 to Hasenfuss.

Hall fails to disclose that the latch bolt extends through one of the lateral shell. Hall discloses a different latch bolt, which runs vertically with respect to the assembly.

Hasenfuss teaches that it is well known in the art to provide a panic assembly that comprises two lateral shells (18 and 19) and a latch bolt (14) extending through one of the shells.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the latch bolt described by Hall, extending through one of the shells, as taught by Hasenfuss, since it would be considered as a design consideration within the art that has no effect in the mechanism of the assembly.

Allowable Subject Matter

12. **Claim 13 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
13. Claims 14-17 would also be allowed since the claims depend from claim 13.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS LUGO whose telephone number is (571)272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the

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automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lugo/
Primary Examiner
Art Unit 3673

March 9, 2009.